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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,288	10/20/2000	Dean F. Jerding	60374.0004USI8/A-6686	8077
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MERCHANT & GOULD SCIENTIFIC ATLANTA, A CISCO COMPANY P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER LIN, JASON K	
			ART UNIT 2425	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/693,288	<b>Applicant(s)</b> JERDING ET AL.	
	<b>Examiner</b> JASON K. LIN	<b>Art Unit</b> 2425	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 83-111 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 83-111 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is responsive to application No. 09/693,288 filed on 03/25/2010.

**Claims 83-111** are pending and have been examined.

2. **§ 1.198 Reopening after a final decision of the Board of Patent Appeals and Interferences.**

When a decision by the Board of Patent Appeals and Interferences on appeal has become final for judicial review, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or § 41.50 of this title without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

The examiner has specific knowledge of the existence of particular references that indicate non-patentability of the appealed claims. Therefore, prosecution is re-opened, and a new art rejection on the merits is presented below. See MPEP 1214.05.

**A Technology Center Director has authorized re-opening prosecution under 37 CFR 1.198 for the purpose of entering the new rejection.**

/Timothy P Callahan/

Director, Technology Center 2400

### ***Priority***

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application (60/214,987) upon which priority is claimed fails to

provide adequate support under 35 U.S.C. 112 for claims 83-107 of this application.

While the provisional application discloses the general concept of facilitating the extension of a rental, the examiner cannot find support for the claimed limitation for “receiving . . . a first user input enabling the user to extend the access duration from the first value to a second value, based upon a third value specified by the user” set forth in claims 83 and 96. In particular, the provisional application discloses that the MSO may set-up extendable rental options (Rental Extension Options – Page 3) and that the user may extend a rental (Ease of Use – Page 7), but the provisional application does not clearly tie the two concepts together. For example, it is unclear if the user is provided with the ability to establish a particular extension period based upon a value specified by the user or if the MSO simply establishes a set/automatic rental extension period for a given program. Claims 86, 88, 94, 99, 101, and 106 are not supported as it is unclear that the “selectable option” is necessarily provided “during the first access duration” as opposed to after the expiration of the “first access period”. Claims 89 and 102 are not supported as the earlier filing is silent as to “providing the user with information indicating an amount of playing time corresponding to a remainder of the on-demand movie”. Claim 91 is not supported as the provisional application is silent with respect to the usage of different prices for extended access duration periods.

4. Applicant’s claim for domestic priority to US App No. 09/590,520 under 35 U.S.C. 120 is acknowledged. However, the application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 83-107 of this application. As aforementioned, the examiner cannot find support for the claimed

limitation for “receiving . . . a first user input enabling the user to extend the access duration from the first value to a second value, based upon a third value specified by the user” as set forth in claims 83 and 96”. Accordingly, the instant application shall be evaluated on the basis of its filing date of 20 October 2000.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 83-88, 90, 93-101, 103, and 105-111** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al. (US 6,166,730), in view of Vellandi (US 6,385,614), and further in view of Noguchi (US 5,715,169).

Consider **claim 83**, Goode teaches a method of providing a media service to a user via an interactive services client (118-Fig.1) coupled to a programmable media services server device (106-Fig.1), the method comprising:

receiving, by the interactive media services client, a movie identification identifying an on-demand movie without a scheduled broadcast time (Fig. 7, Col 14: line 63 – Col 15: line 33, Col 15: lines 43-54 teaches the user purchasing an on-demand title {movie identification} by interacting with the system via the user's set top box {interactive media services client}, whereupon purchase the movie begins playing or otherwise starts distribution of the stream to the user. Col 2:

line 66 - Col 3: lines 17 teach the information on the system is available in an on demand basis);

assigning an access duration having a first value to the movie, responsive to receiving the movie identification, the access duration associated with the interactive media services client (Col 14: lines 11-25, 47-50, Col 15: lines 8-22 teaches when a movie is purchased an open session is determined containing a use time and a view time, where use time is the actual time a user is allowed to physically watch a title and view time is the actual amount of time that the title is available for the user to watch);

receiving, by the interactive media services client during the access duration, at least a portion of the on-demand movie from a server located remotely from the interactive media services client (Col 14: line 55 - Col 15: line 34 teaches during the open session when the user can still view the movie based on the use time and view time available, the movie is sent by the server to the user when the user has selected to play the movie);

receiving, by the interactive media services client during the access duration, a user input (Fig.8, Col 15: lines 43-65 teaches receiving a user input during the access duration);

enabling, by the interactive media services client, the user to access the on-demand movie during an extended access duration (Col 14: line 67 – Col 15:

line 2 teaches an extended viewing time. Fig.8, Col 15: lines 43-65 teach providing access to the movie during an access duration).

Although Goode discloses an extended viewing time, he does not explicitly teach receiving by the client during the access duration, a first user input enabling the user to extend the access duration from the first value to a second value, based upon a third value specified by the user; and

enabling, the user to access the content during the extended access duration, responsive to receiving the first user input.

In an analogous art, Vellandi teaches receiving by the client during the access duration, a first user input enabling the user to extend the access duration from the first value (30 minutes) to a second value (further period of exclusive access), based upon a third value; and enabling, the user to access the content during the extended access duration, responsive to receiving the first user input (Col 2: line 51 – Col 3: line 18 teaches during the predetermined period {end of predetermined period is 1<sup>st</sup> value} of exclusive access to content, a viewer can renew or extend the period of time {end of extended period of time is 2<sup>nd</sup> value} if an associated request {causes system to extend period by an x amount of time is the 3<sup>rd</sup> value} is received by the system, whereby exclusive access to the content is extended for a period of time for the user).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Goode's system to include receiving by the client during the access

duration, a first user input enabling the user to extend the access duration from the first value to a second value, based upon a third value; and enabling, the user to access the content during the extended access duration, responsive to receiving the first user input, as taught by Vellandi, for the advantage of providing the user with extended viewing time for content, allowing them to view content multiple times as desired and/or complete viewing at their own leisure, without feeling rushed, also efficiently maintaining available bandwidth of the system granting access only to those that require continued access to the content, providing users with a more flexible and convenient entertainment experience.

The combination of Goode and Vellandi teach extending the access duration by a third value, which is determined by the system, but do not explicitly teach that an extension value (third value) specified by the user;

In an analogous art, Noguchi teaches an extension value specified by the user (Figs.7&13, Col 7: lines 59-65 teach a new rental screen where a user can specify a rental term of a title during the process of NEW RENTAL. Col 8: lines 66 – Col 9: lines 10 teach rental continuation where the processes are the same as those in the case of new rental mode other than the process of writing title data into memory. Since the processes are the same as new rental mode, in rental continuation mode, the user is also able to specify a continuation term utilizing the values for extension as shown on Fig.13).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Goode and Vellandi to include an extension value



specified by the user, as taught by Noguchi, for the advantage of providing more user control to the access extension process, adding more flexibility to the system and not limiting the user to a system specified extension period.

**Claim 96** is rejected wherein the method set forth in claim 83 is implemented via a system comprising "at least one memory having stored thereon program code" (Goode – 402-Fig.4) and "at least one processor that is programmed by at least the program code (Goode – 400-Fig.4) (Goode - Col 15: lines 8-33)

Consider **claims 84 and 97**, Goode, Vellandi, and Noguchi teaches further comprising the step of: providing the user with pricing information related to the extended access duration (Noguchi – Fig.13; Col 7: line 66 - Col 8: line 2).

Consider **claims 85 and 98**, Goode, Vellandi, and Noguchi teach further comprising: providing, by the interactive media services client, the user with a selectable option, the selectable option being configured to enable the user to extend the access duration from the first value to the second value; and receiving by the interactive media services client a user input corresponding to the selectable option (Vellandi - Col 2: line 51 – Col 3: line 18 teaches during the predetermined period {end of predetermined period is 1<sup>st</sup> value} of exclusive

access to content, a viewer can renew or extend the period of time {end of extended period of time is 2<sup>nd</sup> value} if an associated request {causes system to extend period by an x amount of time is the 3<sup>rd</sup> value} is received by the system, whereby exclusive access to the content is extended for a period of time for the user. Noguchi - Col 8: lines 66 – Col 9: lines 10 teach rental continuation where the process are the same as those in the case of new rental mode other than the process of writing title data into memory. Col 7: lines 59-65 teaches being able to specify a rental term. Fig.13, user can specify 1-9 days {extension value}).

Consider **claims 86 and 99**, Goode, Vellandi, and Noguchi teach further comprising: providing, by the interactive media services client, the user with a selectable option during the first access duration, the selectable option being configured to enable the user to extend the access duration from the first value to the second value; and receiving by the interactive media services client the first user input corresponding to the selectable option (Vellandi - Col 2: line 51 – Col 3: line 18 teaches during the predetermined period {end of predetermined period is 1<sup>st</sup> value} of exclusive access to content, a viewer can renew or extend the period of time {end of extended period of time is 2<sup>nd</sup> value} if an associated request {causes system to extend period by an x amount of time is the 3<sup>rd</sup> value} is received by the system, whereby exclusive access to the content is extended for a period of time for the user. Noguchi - Col 8: lines 66 – Col 9: lines 10 teaches rental continuation where the process are the same as those in the case

of new rental mode other than the process of writing title data into memory. Col 7: lines 59-65 teaches being able to specify a rental term. Fig.13, user can specify 1-9 days {extension value}).

Consider **claims 87 and 100**, Goode, Vellandi, and Noguchi teach further comprising: providing, by the interactive media services client, the user with a plurality of selectable options, each of the selectable options being configured to enable the user to extend the access duration from the first value according to the corresponding value of a selected option from the plurality of options, the plurality of selectable options including one corresponding to the third value; and receiving by the interactive media services client the first user input corresponding to the one of the selectable options corresponding to the third value (Vellandi - Col 2: line 51 – Col 3: line 18 teaches during the predetermined period {end of predetermined period is 1<sup>st</sup> value} of exclusive access to content, a viewer can renew or extend the period of time {end of extended period of time is 2<sup>nd</sup> value} if an associated request {causes system to extend period by an x amount of time is the 3<sup>rd</sup> value} is received by the system, whereby exclusive access to the content is extended for a period of time for the user. Noguchi - Col 8: lines 66 – Col 9: lines 10 teaches rental continuation where the process are the same as those in the case of new rental mode other than the process of writing title data into memory. Col 7: lines 59-65 teaches being able to specify a rental term. Fig.13, user can specify 1-9 days {extension value}).

Consider **claims 88 and 101**, Goode, Vellandi, and Noguchi teach further comprising: providing, by the interactive media services client, the user with a plurality of selectable options during the first access duration, each of the selectable options being configured to enable the user to extend the access duration from the first value to the second value; and receiving by the interactive media services client the first user input corresponding to the one of the selectable options (Vellandi - Col 2: line 51 – Col 3: line 18 teaches during the predetermined period {end of predetermined period is 1<sup>st</sup> value} of exclusive access to content, a viewer can renew or extend the period of time {end of extended period of time is 2<sup>nd</sup> value} if an associated request {causes system to extend period by an x amount of time is the 3<sup>rd</sup> value} is received by the system, whereby exclusive access to the content is extended for a period of time for the user. Noguchi - Col 8: lines 66 – Col 9: lines 10 teaches rental continuation where the process are the same as those in the case of new rental mode other than the process of writing title data into memory. Col 7: lines 59-65 teaches being able to specify a rental term. Fig.13, user can specify 1-9 days {extension value with plurality of selectable options}).

Consider **claims 90 and 103**, Goode, Vellandi, and Noguchi teach further comprising: providing the user with information identifying a plurality of prices, wherein each of the plurality of prices corresponds to a respective one of the

plurality of selectable options (Noguchi - Col 8: lines 66 – Col 9: lines 10 teaches rental continuation where the process are the same as those in the case of new rental mode other than the process of writing title data into memory. Col 7: lines 59-65 teaches being able to specify a rental term. Fig.13, user can specify 1-9 days {extension value}. Col 7: line 66 - Col 8: line 2 teaches collecting the fee corresponding to the rental term, and as such there is a corresponding fee for each different rental term {plurality of prices}).

Consider **claims 93 and 105**, Goode, Vellandi, and Noguchi teach further comprising: prior to the step of receiving the first user input, providing the user with information indicating an amount of time remaining in the access duration (Goode et al. reference explicitly incorporates a detailed description of the navigator presented in the Gordon et al. US 6,208,335 reference, Col 11: lines 12-15. As illustrated in Fig.17 of the Gordon et al. reference, the system provides said user with information specifying the time in which the access duration expires or information indicating an amount of time remaining in the access duration. For example, assuming it is currently 5:58 PM, an informational message specifying that the movie is going to expire at 8:58PM Tonight is indicative of 3 hours remaining the in rental. The claim does not require that the message specify the actual amount of time remaining. This screen may be presented any point in time during the first access duration or prior to the first

user input associated with ordering of a media presentation, Goode - Fig.11; Col 17: lines 55-67).

Consider **claims 94 and 106**, Goode, Vellandi, and Noguchi teach further comprising: outputting, by the interactive media services client, during the access duration said at least a portion of the movie to a television coupled to the interactive media services client (Goode – Fig.1, Fig.7 teaches playing the movie. Col 14: lines 11-25 teaches allowing user access to the on-demand movie during the access duration. Vellandi - Col 2: line 51 – Col 3: line 18 teaches the user having extended access to the content during the extended access duration. Noguchi - Fig.13, Col 8: lines 66 – Col 9: lines 10, Col 7: lines 59-65 teaches allowing uses to specify a specific rental continuation. Col 6: lines 45-60 teaches providing access of the title to the user when the counter has not reached zero);

interrupting, by the interactive media services client, the output of the on-demand movie during the access duration, responsive to a second user input, wherein the interruption occurs at a current location; resuming the output of the on-demand movie at the current location, by the interactive media services client, during the access duration, responsive to a third user input (Goode - Col 3: lines 1-3, Col 14: lines 3-25 teaches providing users with interactive control such as fast-forward, rewind, pause, play, etc wherein in order to support these commands the concept of an open system has been implemented where a user has access to a movie during the given access duration. *Users can pause {2nd*

*user input} and then play/unpause the movie to resume viewing on the same device.* Col 15: line 43 – Col 16: line 7 teaches allowing the user to stop the presentation and resume at the point where they left off); and

receiving, by the interactive media services client, during a period between interrupt and the resume, the first user input enabling the user to extend the access duration from the first value to the second (Goode - Col 3: lines 1-3, Col 14: lines 3-25 teaches providing users with interactive control such as fast-forward, rewind, pause, play, etc wherein in order to support these commands the concept of an open system has been implemented where a user has access to a movie during the given access duration. *Users can pause {2nd user input} and then play/unpause the movie to resume viewing on the same device.*

Vellandi - Col 2: line 51 – Col 3: line 18 teaches during the predetermined period {end of predetermined period is 1<sup>st</sup> value} of exclusive access to content, a viewer can renew or extend the period of time {end of extended period of time is 2<sup>nd</sup> value} if an associated request {causes system to extend period by an x amount of time is the 3<sup>rd</sup> value} is received by the system, whereby exclusive access to the content is extended for a period of time for the user. *Renewed access can be received by the client anytime in between the access duration.*

Noguchi - Col 8: lines 66 – Col 9: lines 10 teaches rental continuation where the process are the same as those in the case of new rental mode other than the process of writing title data into memory. Col 7: lines 59-65 teaches being able to specify a rental term. Fig.13, user can specify 1-9 days {extension value}. In

the combined invention, the device is able to receive a request to extend an access duration for a specified value, anytime during the initial access duration including in between interrupt and resume).

Consider **claims 95 and 107**, Goode, Vellandi, and Noguchi teach further comprising: during the extended access duration: outputting, by the-interactive media services client, at least a second portion of the on-demand movie to a television coupled to the interactive media services client (Goode - Col 14: lines 11-25 teaches allowing user access to the on-demand movie during the access duration. Vellandi - Col 2: line 51 – Col 3: line 18 teaches the user having extended access to the content during the extended access duration. Noguchi - Fig.13, Col 8: lines 66 – Col 9: lines 10, Col 7: lines 59-65 teaches allowing uses to specify a specific rental continuation. Col 6: lines 45-60 teaches providing access of the title to the user when the counter has not reached zero).

Consider **claims 108 and 110**, Goode, Vellandi, and Noguchi teach further comprising the step of: granting the interactive media services client access to the movie until the access duration has expired (Goode - Col 14: lines 11-25 teaches allowing user access to the on-demand movie during the access duration. Vellandi - Col 2: line 51 – Col 3: line 18 teaches the user having extended access to the content during the extended access duration. Noguchi - Fig.13, Col 8: lines 66 – Col 9: lines 10, Col 7: lines 59-65 teaches allowing uses



to specify a specific rental continuation. Col 6: lines 45-60 teaches providing access of the title to the user when the counter has not reached zero).

Consider **claims 109 and 111**, Goode, Vellandi, and Noguchi teach further comprising the step of: granting the interactive media services client access to the movie during the whole of the access duration (Goode - Col 14: lines 11-25 teaches allowing user access to the on-demand movie during the access duration. Vellandi - Col 2: line 51 – Col 3: line 18 teaches the user having extended access to the content during the extended access duration. Noguchi - Fig.13, Col 8: lines 66 – Col 9: lines 10, Col 7: lines 59-65 teaches allowing uses to specify a specific rental continuation. Col 6: lines 45-60 teaches providing access of the title to the user when the counter has not reached zero).

7. **Claims 89, 92, 102, and 104** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al. (US 6,166,730), in view of Vellandi (US 6,385,614), in view of Noguchi (US 5,715,169), and further in view of White et al. (US 6,628,302).

Consider **claims 89 and 102**, Goode, Vellandi, and Noguchi teach receiving the first user input corresponding to one of the selectable options (Vellandi - Col 2: line 51 – Col 3: line 18; Noguchi – Fig.13, Col 8: lines 66 – Col 9: lines 10, Col 7: lines 59-65), but do not explicitly teach that prior to that, providing the user with information indicating an amount of playing time corresponding to a remainder of the on-demand movie, the remainder being

calculated from a current interruption point in the on-demand movie video presentation.

In an analogous art, White teaches providing the user with information indicating an amount of playing time corresponding to a remainder of the on-demand movie, the remainder being calculated from a current interruption point in the movie video presentation (Col 4: lines 38-49 teaches providing the user with information indicative of the amount of time remaining in a movie responsive to the movie being paused).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Goode, Vellandi, and Noguchi to include providing the user with information indicating an amount of playing time corresponding to a remainder of the on-demand movie, the remainder being calculated from a current interruption point in the movie video presentation, as taught by White, for the advantage of providing the user with helpful information in order to properly plan their television viewing (ex. Is there enough time for me to finish watching the moving before dinner).

Consider **claims 92 and 104**, Goode, Vellandi, and Noguchi prior to the step of receiving the first input, providing the user with information indicating when access duration expires (Goode explicitly incorporates a detailed description of the navigator presented in Gordon et al. US 6,208,335 reference Col 11: lines 12-15. As illustrated in Fig17 of the Gordon et al. reference, the

system provides the user with information specifying the time in which the access duration expires. This screen may be presented any point in time during the first access duration or prior to the first user input associated with ordering of a media presentation, Goode – Fig.11, Col 17: lines 55-77).

Goode, Vellandi, and Noguchi do not explicitly teach providing the user with information indicating that there is insufficient time remaining in the access duration to enable the user to view a remainder of the on-demand movie.

In an analogous art, White teaches providing the user with information indicating that there is insufficient time remaining in the access duration to enable the user to view a remainder of the on-demand movie (Col 4: lines 38-49 teaches providing the user with information indicative of the amount of time remaining in a movie responsive to the movie being paused).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Goode, Vellandi, and Noguchi to include providing the user with information indicating that there is insufficient time remaining in the access duration to enable the user to view a remainder of the on-demand movie, as taught by White, for the advantage of providing the user with helpful information in order to properly plan their television viewing (ex. Is there enough time for me to finish watching the moving before dinner).

8. **Claim 91** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al. (US 6,166,730), in view of Vellandi (US 6,385,614), in view of Noguchi (US 5,715,169), and further in view of Fingerman et al. (US 7,143,430).

Consider **claim 91**, Goode, Vellandi, and Noguchi do not explicitly teach further comprising: charging the user a first price in connection with the access duration; and

charging the user a second price in connection with the extended access duration, wherein the first price is different from the second price.

In an analogous art, Fingerman teaches charging the user a first price in connection with the access duration; and charging the user a second price in connection with the extended access duration, wherein the first price is different from the second price (Table I - Col 7: lines 41-54, Col 10: lines 46-53 teaches different prices for an initial access duration, and a second price for an extended access duration, where the second price different from the first).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Goode, Vellandi, and Noguchi to include charging the user a first price in connection with the access duration; and charging the user a second price in connection with the extended access duration, wherein the first price is different from the second price, as taught by Fingerman, for the advantage of providing the distributor additional revenue, and allowing users to purchase and extend access to desired content for a portion of the price, providing greater convenience and financial flexibility for the viewer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on 10AM - 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Lin/  
Examiner, Art Unit: 2425

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425